

NHDOT Responses to Data Requests 4

Docket No. 05-172

Utility Relationships with Governmental Entities and their Subcontractors Topic 3

Round 4 Questions – Revised DRs 4-4 and 4-5

Respondent: Charles Schmidt, Chief of Design Services, Department of Transportation,

Request:

Staff 4-4

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation (NHDOT) obtains the right to attach to utility poles and/or occupy conduit space in order to build an intra-government network for government use only. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit? Are such agreements ever executed by municipalities or the NHDOT? If so, when?

Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs, and prevailing pole attachment and/or conduit occupancy fees? Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.

Response:

When the NHDOT has requested permission to attach to existing poles it was for the interconnectivity of traffic signal systems. The pole maintainer, specifically, Verizon, treated the NHDOT as a private customer. This included conducting make - ready surveys, conducting make ready work and paying all attachment related fees. Verizon requested the NHDOT to enter into an attachment agreement; however, the NHDOT opted for alternate construction methods to avoid high costs.

The NHDOT does not typically apply for a license to attach to poles or occupy a conduit, as past estimates for such work have been cost prohibitive, compared to other methods of installation and or construction.

If the NHDOT determined it was cost effective compared to other means of installation and or methods of construction, the NHDOT would apply to attach facilities to a pole line or occupy conduit space and would be required to pay all associated costs. This information is based upon previous experience with Verizon

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Round 4 Questions – Revised DRs 4-4 and 4-5

Respondent: Charles Schmidt, Chief of Design Services, Department of Transportation,

Request:

Staff 4-5

Please describe the process by which a municipality or the State of New Hampshire Department of Transportation obtains the right to attach to utility poles and/or occupy conduit space in order to offer competitive services for use by the general public. For example, is a Pole Attachment or Conduit Occupancy Agreement typically executed with the owner or joint owners of the poles and conduit? Are such agreements ever executed by municipalities or the NHDOT? If so, when?

Does the municipality or NHDOT typically apply for a license and pay related fees, such as engineering survey fees, make-ready costs and prevailing pole attachment and/or conduit occupancy fees? Would a municipality or NHDOT ever apply for a license or pay such fees? Please identify any such instances.

Please explain your answers fully and provide the basis for the process typically undertaken, including, where appropriate, a citation to the rule, tariff, ordinance or statute that supports your assertion.

Response:

Typically the DOT does not apply for the right to attach to utility poles in an effort to offer competitive services to the general public. When the NHDOT has investigated the right to attach to utility poles through Verizon, it has been to interconnect traffic signal systems between intersections. Unfortunately, it was found the “right to attach” to be cost prohibitive.

It should be noted that other State of New Hampshire Departments currently pay for aerial attachments.

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Round 4 Questions

Respondent: Charles Schmidt, Chief of Design Services, Department of Transportation

Request:

Staff 4-6

Please provide procedures and actual practices for municipalities' or their subcontractors' placement, replacement, maintenance and repair of municipal communication equipment in reserved space on the poles.

Response:

The NHDOT does not own poles for municipalities or their subcontractors to place communication equipment.

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Round 4

Respondent: Charles Schmidt, Chief of Design Services, Department of Transportation

Request:

4-21

What do you recommend to improve municipal road project coordination?

Response:

The NHDOT recommends: advanced communications between Utilities and Municipalities on projects during scoping and final plan development; development of realistic schedules by Utility companies with a commitment to maintain them, and increased staffing of utility field personnel to meet realistic timelines.

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Round 4

Respondent: Charles Schmidt, Chief of Design Services, Department of Transportation

Request:

4-24

In the event that a public works project, either municipal or state, calls for utilities to temporarily relocate their facilities before moving them to their final location at a later date in the project, should the utilities be compensated for the temporary relocation work? If your answer is no, please explain why and provide the basis for your rationale, including a citation to any rule, tariff, ordinance or statute that supports your assertion.

Response:

The NHDOT strives to avoid temporary and or multiple relocations by Utilities. This is accomplished by requiring construction operations to be performed with specific methods or during specific times. To avoid temporary relocations the NHDOT incurs additional costs, however in theory accommodating the needs of the utilities and facilitating their construction activities, ultimately shortens construction timeframes and reduces costs associated with the highway construction. Similarly, when possible the NHDOT looks to purchase right of way sufficient to accommodate overhead utilities, again to facilitate utility relocations required by a project. When temporary relocations are required, the NHDOT feels this should not be reimbursable as the Utilities are located in the highway right of way by sufferance. Common law places the obligation to remove or relocate utility facilities on the owner. Opinion of the Justices, 101 N. H. 527, 529, (1957).